

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking – Application 22-02922-F – Land South West of Avonbury Business Park, Howes Lane, Bicester

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Contribution towards Public Art	£8757.50 (£1.83 per sqm) index linked from 2Q17	TBC likely before first occupation	<p>Necessary – The NW Bicester SPD includes cultural wellbeing as one of its key development principles. The payment of a public art contribution would ensure that the development contributes to the creation of a culturally vibrant place at NW Bicester.</p> <p>Directly related – The proposal is part of the NW Bicester development. The contribution would be specified to be used towards the provision of public art within the NW Bicester development and therefore it would be directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The contribution is based upon the same rate per sqm of commercial development as was used in a S106 agreement for commercial uses to the south of the site which is considered to be fairly and reasonably related in scale and kind to the scale of development proposed.</p>

<p>Biodiversity offset contribution to mitigate the impacts upon farmland birds</p>	<p>£1333.04 per hectare index linked 2Q17</p>	<p>Prior to the first occupation of the development</p>	<p>Necessary – The Masterplan Strategic Environmental Report identified that it would not be possible to compensate for the loss of habitats used by farmland birds as a consequence of the whole development at NW Bicester. It identified that offsite compensation to enhance the value of land for farmland birds would be necessary to mitigate for the impacts. As the development site is part of NW Bicester it is necessary that a contribution is made to account for its proportionate impact upon farmland birds.</p> <p>Directly related – The proposed contribution is directly related to the impacts on farmland birds arising from the development.</p> <p>Fairly and reasonably related in scale and kind – When it was identified that farmland birds could not be mitigated for on site as a consequence of the development, work was undertaken to identify that 200ha of farmland would need to be enhanced for a period of 25 years. An annual cost was proposed and then an additional 15% sum added for staff resource to implement and manage the scheme. This was multiplied by 25 to give a total sum for a 200ha area of land. The contribution was divided by the masterplan site area minus the Exemplar site to give a per hectare figure. This contribution will then be multiplied by the site area in this case of 1.3ha to give the total amount sought. The contribution</p>
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			sought is therefore fairly and reasonably related in scale and kind to the development.
Requirement to Monitor the development through the construction and post occupancy	NIL	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p>Necessary – In order to ensure that the development is meeting the high standards sought across NW Bicester, to learn from the site and to allow improvements to future phases of the development, long term monitoring of the Eco-Town Standards is required. As such, it is necessary to secure a scheme of monitoring from this site.</p> <p>Directly related – The monitoring is directly related to the development itself.</p> <p>Fairly and reasonably related in scale and kind – The monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
Training and Employment Plan to secure 9 apprenticeship starts	NIL	TEP to be submitted for approval prior to the implementation of the development.	<p>Necessary – Policy Bicester 1 states that an economic strategy is to be produced to support planning applications demonstrating how access to work will be achieved. The CDC Planning Obligations SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and</p>

			<p>Employment Plan to be submitted to secure apprenticeship starts.</p> <p>Directly related – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p>Fairly and reasonably related in scale and kind – The number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site.</p>
<p>Arrangements to protect the alignment of the future strategic road infrastructure. The area to be protected would be the land forming part of planning application ref. 14/01968/F. The agreement would also need to allow others onto the land to construct the road and for its future dedication as highway.</p>	<p>TBC</p>		<p>Necessary – The development includes land that is required to deliver a strategic link road based upon its currently planned route as shown on the NW Bicester Masterplan. In the same way that arrangements have been secured in the past related to other sites to the south, this site would also need to enable the route for the strategic link road to be protected. This is necessary to make the development acceptable.</p> <p>Directly related – This requirement is directly related to the development because the land adjoins the application site and as it is required for strategic purposes, the requirement to secure this is directly related to the development.</p>

			<p>Fairly and reasonably related in scale and kind – the road is close to the site and related to it so the proposal to protect the route is fairly and reasonably related in scale and kind to the development.</p>
<p>A contribution towards highway works towards the:</p> <ol style="list-style-type: none"> 1) A4095 realignment and associated infrastructure 2) Middleton Stoney traffic calming. 3) Pedestrian and cycle infrastructure improvements in the area 	TBC	TBC	<p>Necessary – To improve sustainable transport options and to mitigate the cumulative impact of NW Bicester, and to provide safe cycling access to and within the vicinity of the site in accordance with the strategy for the NW Bicester Policy allocation.</p> <p>Directly related – The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. The development is situated on the NW Bicester site which cumulatively requires strategic infrastructure to mitigate its impact. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
<p>A public transport contribution towards bus services serving NW Bicester</p>	TBC	TBC or delegated authority is sought to enable	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p>

		<p>officers to negotiate this</p>	<p>Directly related –</p> <p>The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
<p>A public transport infrastructure contribution towards bus stop infrastructure at NW Bicester</p>	<p>£25 924 index linked from October 2021 (Baxter)</p>		<p>Necessary –</p> <p>The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related –</p> <p>The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. This is infrastructure to support the public transport provision. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p>

			The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.
There may be a need for a Traffic Regulation Order (if the matters are not dealt with under S278/S38 agreement). This is not clear yet.			<p>Necessary – A TRO maybe necessary to reduce the speed along Howes Lane to provide safe access to and from the site and promote sustainable modes of transport contributing to the aims of Policy Bicester 1.</p> <p>Directly related – the requirement to deliver this highway works is directly related to the development as it is the development that requires these works.</p> <p>Fairly and reasonably related in scale and kind – The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and deemed necessary works to make the development acceptable and to provide sustainable means of access to the site.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	£1 558 index linked from December 2021 (RPI-x)		<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plan over their life.</p> <p>Directly related - The contribution is directly related to the required travel plan that relates to this development. Monitoring of the travel plan is critical to ensure it is implemented and effective in</p>

			<p>promoting sustainable transport options and contributing to the aims of Policy Bicester 1.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The amount is based on standard charging scales which are in turn is calculated based on the Officer time required at cost.</p>
Public Right of Way contribution towards improvements to Aldershot Farm Bridleway	TBC	TBC	<p>Necessary -</p> <p>The contribution is necessary to ensure that the site continues to pay a proportionate contribution to the overall public rights of way improvements required for the NW Bicester policy allocation.</p> <p>Directly related -</p> <p>The overall NW Bicester site would allow greater public access and use of local public rights of way by residents and employees of the development. The contribution is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind -</p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
The requirement to enter into a S278 agreement	N/A	The requirement not to implement the development	<p>Necessary –</p> <p>The proposed offsite highway works are necessary to provide pedestrian and cycle links from the</p>

		<p>until a S278 has been entered into must be secured by the S106. The trigger by which time S278 works are to be completed (prior to occupation TBC) should also be included in the S106.</p>	<p>development site to the local area. As the works are necessary to create the opportunities for sustainable travel, their provision must be secured. The requirement is therefore for the S106 to include a process to secure the entering into a S278 prior to the implementation of the development and to include timescales for the works to be completed by.</p> <p>Directly related –</p> <p>The requirement to deliver the offsite highway works is directly related to the development as it is the development that requires these works.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and secured as necessary works to make the development acceptable and to provide for a sustainable means of access to the site.</p>
<p>CDC and OCC Monitoring Fee</p>	<p>CDC: £1500</p> <p>OCC: TBC</p>		<p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 1,000-10,000sqm floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £1,000. A registration charge of £500 may also be applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is</p>

			required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the complex nature of the site.
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